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November 14, 2016

Hon. Brian M. Cogan
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Ibrahim Sulieman Adnan Adam Harun
Ind. 12 Cr. 134 (BMC)

Dear Judge Cogan:

Susan Kellman, Josh Dratel, and I represent Adnan Harun in the above-referenced matter. I write pursuant to 18 U.S.C. § 4241 to update the Court on our attempts to determine whether our client is competent to proceed to trial and to seek an extension of the date by which a motion for competence related to our client should be filed.

As Your Honor and the government are aware, defense counsel have had grave concerns about Mr. Harun's competence for several years. Your Honor is reminded that when he was last brought to court, on May 13, 2016, Mr. Harun removed his clothing, shouted uncontrollably, and was unable or unwilling to participate in his defense with the Court or counsel. Since that time he has not spoken with his attorneys or with any member of the defense team. Thereafter, on October 5, 2017, the Court scheduled a status conference which Mr. Harun "attended" via a video hook-up from the MCC; however, counsel was unable to communicate with Mr. Harun during this conference, as his "presence" was marked by what appeared to be an uninterrupted barrage of screaming, which, for the most part was not heard in the courtroom because the sound monitors were turned off.

In an effort to communicate with our client, we have retained a psychiatrist ("the expert") with cultural competence by virtue of his ability to speak Arabic and his familiarity with cultural mores and folkways. After much delay, occasioned by the need

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for security clearance and the production of SAM's, our expert was finally able to meet with Mr. Harun in his cell earlier today.

The expert is the first person we are aware of who has had a conversation with Mr. Harun in over two years. He was able to speak with Mr. Harun for approximately two hours and, following their conversation, he has informed me that he does not have sufficient information to rule out the possibility that Mr. Harun is incompetent. He bases this opinion on his review of the materials relevant to this matter, conversations with B.O.P. personnel, and his interview with the defendant. However, in order to form a final opinion, our expert requires at least one more opportunity to meet and speak with Mr. Harun, and he will also require additional information regarding Mr. Harun's treatment in Libya which, on information and belief, is in the possession of the government and has not been provided to the defense. These meetings, together with information that is currently in the government's possession, will allow the expert to formulate an opinion regarding our client's competency. The expert has also informed us that the attorneys and the expert will need to interview witnesses who are currently held by the U.S. government and who knew Mr. Harun prior to his incarceration in Libya in order to have a baseline to evaluate Mr. Harun's present condition and ascertain what effects his incarceration in the U.S. and elsewhere may have had on his competence.

Our expert informs us that he is available to meet with Mr. Harun again on December 16, 2016. Very shortly after that interview we expect to be able to make a motion to Your Honor challenging Mr. Harun's competence to proceed if we determine that such a motion is appropriate. We therefore seek an extension until December 23, 2016 to file a letter seeking to challenge Harun's competence or informing the government and Your Honor that we do not intend to do so.

Respectfully submitted,

David Stern